

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MARTHA T. MURGUIA and
THE ESTATE OF DAVID MURGUIA,

Plaintiffs,

Case No. 05-C-631

v.

METROPOLITAN LIFE INSURANCE
COMPANY,

Defendant.

OPINION AND ORDER

The parties to this action have stipulated to terms for the dismissal of all claims raised and the court has approved their stipulation. Therefore, the court ORDERS that this action is dismissed with prejudice and without costs to any of the parties except as provided in the parties' Settlement Agreement. See Federal Rule of Civil Procedure 41(a).

Based upon the parties' stipulation, IT IS FURTHER ORDERED that the Estate of David Murguia is added as an additional Plaintiff and the caption to amended to reflect the Estate's status as a Plaintiff.

IT IS FURTHER ORDERED that the Clerk of Court shall enter a final judgment as a separate document. See Federal Rule of Civil Procedure 58. This judgment shall provide that:

Plaintiffs Martha Murguia and the Estate of David Murguia brought this action against Defendant Metropolitan Life Insurance Company before the court, the Honorable

Thomas J. Curran, District Judge, presiding, and the parties having stipulated to the dismissal of all claims raised,

IT IS ORDERED AND ADJUDGED

1. That this action is dismissed with prejudice and without costs or attorney fees to any party except as provided in the parties' Settlement Agreement.
2. That the court declares that Defendant Metropolitan Life Insurance Company's policy number 958 304 386A is fully exonerated.
3. That the court declares that neither Plaintiff Martha Murguia nor any other party shall have a claim against Defendant Metropolitan Life Insurance Company for all or any portion of the policy proceeds.
4. That upon receipt of the Settlement Agreement signed by Ms. Murguia and an authorized representative of the Estate, Defendant Metropolitan Life Insurance Company shall pay to the Estate, in the form and at a place directed by the Special Administrator of the Estate of David Murguia, Attorney Robert Jursik, the sum of Three Hundred Ten Thousand Two Hundred Nineteen Dollars and Sixteen Cents (\$310,219.16) in full and final satisfaction of Defendant Metropolitan Life Insurance Company's obligations under the policy.

Done and Ordered in Chambers at the United States Courthouse,
Milwaukee, Wisconsin, this 16th day of November, 2005.

s/ Thomas J. Curran
Thomas J. Curran
United States District Judge